

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



IN RE APPLICATION OF: Morris Samelson and Johnathan M. Scharff	ATTY DKT NO.: P-5435(DIV1)RCE
SERIAL NO.: 10/601,796	GROUP ART UNIT: 1615
FILED: June 23, 2003	EXAMINER: Lakshmi Sarada Channavajjala
TITLE: Ultra Fine Dead Sea Mineral Compound and Method of Manufacture	
<b>TO: Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450</b>	

DECLARATION UNDER 37 C.F.R. § 1.132

Dear Madam:

I, Joseph P. Ettari, declare as follows:

1. I hold a Masters of Art in Liberal Studies with a concentration in Science Education, and a Bachelors of Science in Geology.
2. My technical expertise is in the industrial field which includes cosmetics. Since 1987, I have been a member of the Society of Cosmetic Chemists (SCC), Long Island (L.I.) Chapter. I have been the recipient of several awards including the "Cosmopolitan's Prix De Beaute Award" for "Precipitation" (first prize in body care) in 1992, the "Young Scientist Award", SCC, L.I. Chapter in 1993, and the "Cosmetic Executive Women Nomination" for "Salt Rub" for Best New Skin Care Product in Limited Distribution in 1996.
3. I am the Lab Manager for several lines of product of Estée Lauder Companies Inc. ("Estée Lauder") which was founded in 1946. Estée Lauder is one of the world's leading manufacturers and marketers of quality skin care, make-up, fragrance, and hair care products. Estée Lauder consists of Estée Lauder, Aramis, Clinique, Prescriptives, Origins, MAC, La Mer, Bobbi Brown, Tommy Hilfiger, Donna Karan, Aveda, Jo Malone, Bumble and bumble, Darphin, Michael Kors and Rodan + Fields, American Beauty, Flirt!, good skin, grassroots, Sean John Toiletries, and Donald Trump, The Fragrance. A member of the Fortune 500 list, Estée Lauder has been public since November 1995 when shares first became available on the New York Stock Exchange. Our products are sold across the United States and in over 130 countries and territories globally.

4. Prior to becoming Lab Manager, I held the titles of Chemist and Senior Chemist for Origins, one of the Estée Lauder's more successful lines of skin care product. It was at this time that I became instrumental in the development of products that contained Dead Sea minerals for Estée Lauder. My current responsibilities include, but are not limited to, managing project work flow between Research and Development Senior Management, Product Development, and Lab staff; resolving formulation, manufacturing, and filling issues for various types of consumer products; recommending new raw materials and base textures to Product Development that provide unique points of difference; recommending natural actives and levels for desired product claims; and maintaining existing product lines. I am also responsible for hiring, training, and managing a staff of five chemists.

5. I understand that the inventors of the present invention are currently prosecuting a patent application, Patent Application Serial No. 10/601,796. I was requested by Mr. Samelson to review this patent application and offer my expertise in the area of cosmetic chemistry. I have reviewed the patent application thoroughly.

6. In my experience with Estée Lauder, I was aware of, and had seen and worked with, cosmetic compositions containing Dead Sea salt minerals in a range of varying granularity sizes and concentrations. However, the Dead Sea salts previously used at Estée Lauder were quite distinct from the Dead Sea salts disclosed in the present invention. In particular, prior to the present invention, I have never seen a composition where: 1) the Dead Sea mineral granularity sizes were of a specific size; 2) the specific size of the Dead Sea minerals was uniform throughout the composition; and 3) because of its uniform size, significantly high concentrations of Dead Sea minerals could be added to form an esthetically acceptable cosmetic composition. To the best of my knowledge, never in the history of Estée Lauder has a product containing such a high level of concentration of Dead Sea salt minerals, 100% being less than 1.0 mm, as disclosed in the present invention, been known to exist in the cosmetic industry.

7. I had never seen pure Dead Sea salt minerals as a single raw material ingredient processed to an ultra-fine uniform granularity size of less than 1.0 mm. This processed Dead Sea salt ingredient can be used to manufacture many cosmetic compositions with various concentrations of Dead Sea minerals, each of the compositions manufactured having the unique and novel characteristic of an ultra-fine uniform granularity size, independent of concentration. I have not seen this before in the cosmetic industry. Commercially available Dead Sea salts cannot be used to manufacture cosmetic compositions which achieve the same desired beneficial effects as the present invention because of their significantly larger and non-uniform granularity size ranges.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date

5/31/06

Joseph Ettari

Joseph P. Ettari

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